

CWP No.5624 of 2021 (O&M)

DATE OF DECISION: 10.03.2021

OSR Construction

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rajesh Lamba, Advocate for the petitioner

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ALKA SARIN, J. (Oral):

Heard through physical hearing.

The prayer in the present petition under Article 226 of the Constitution of India is for issuing directions to respondent No.3 to look into the representation dated 23.01.2021 (Annexure P-38) for making payment for the material supplied by the petitioner to the Gram Panchayat, Mujeri, Tehsil Ballabgarh, District Faridabad for undertaking the construction/renovation works.

Learned counsel for the petitioner would contend that all the Village Panchayats in Faridabad were merged in Municipal Corporation, Faridabad with effect from January, 2020 and all their assets and liabilities stood transferred to the Municipal Corporation, Faridabad and, as such, the charge of Gram Panchayat, Mujeri, Tehsil Ballabgarh, District Faridabad (respondent No.4) had been transferred to the Municipal Corporation, Faridabad.

On the oral request of learned counsel for the petitioner, the Municipal Corporation, Faridabad through it's Commissioner is ordered to be impleaded as respondent No.5 in the present writ petition. The Registry is directed to carry out the necessary changes in the memo of parties.

Learned counsel for the petitioner relies upon the order dated 12.10.2020 passed in CWP-16793-2020 to contend that in a similarly situated case the directions were issued to the Deputy Commissioner, Faridabad to look into the representation of the petitioner therein and pass a speaking order in accordance with law.

Notice of motion.

On the asking of the Court, Mr. Rajesh Gaur, Addl. A.G., Haryana, who is present in Court, accepts notice on behalf of all the respondents.

Mr. Gaur has pointed out that the representation Annexure P-38 is addressed to the Deputy Commissioner, Faridabad and that the proper party would now be Municipal Corporation, Faridabad through its Commissioner in as much as the Village Panchayats have since merged into the Municipal Corporation, Faridabad with effect from January, 2020.

In view of the submissions made by learned counsel for the parties, without commenting on the merits of the case, the present petition is disposed off with a direction to the newly added respondent No.5 i.e. Municipal Corporation, Faridabad through its Commissioner to treat the present petition as a representation on behalf of the petitioner and decide the same by passing a speaking order thereon, in accordance with law, within a period of three months from the date of receipt of a certified copy of this order.

Disposed off accordingly.

**(ALKA SARIN)
JUDGE**

10.03.2021
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NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO